

**CITY OF LEWISTON**  
**PLANNING BOARD PUBLIC MEETING/WORKSHOP**  
**MINUTES for December 10, 2007 – Page 1 of 5**

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:32 p.m., and was chaired by Vice Chairman John Racine.

- **Members in Attendance:** John Racine, Stephen Morgan, Jim Horn, Roger Philippon, Jonathan Earle, Ron Chartier, and Denis Fortier. **Absent:** None.

- **Associate Members Present:** Lucy Bisson. **Absent:** None.

- **Staff Present:** Gildace Arsenault, Director of Planning and Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** None.

**IV. HEARINGS:**

**A. A request submitted by Sebago Technics, Inc. on behalf of the Randall Road Corporation to consider a subdivision amendment (Revision 1) to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue to split Lot No. 17 into two (2) lots (Lot Nos. 17 and 18).** David Hediger read his Staff Memorandum dated December 7, 2007.

The request to consider a subdivision amendment (Revision 1) to the Chestnut Hill Estates Subdivision to split Lot No. 17 into two (2) lots (Lot Nos. 17 and 18) located at 10 Almond Avenue was approved at the Planning Board Meeting of November 26, 2007. However, since that meeting, both the applicant (**Rick Tonoli**) and his attorney (**Ron Bissonnette**) reviewed the previous approvals by the Board and recorded association and condominium documents associated with this development. The applicant has, therefore, indicated the condition of approval made on November 26, 2007 conflicts with the 1988 approval and that it cannot occur, given the recorded legal documents in place and are requesting the condition be removed – that condition being, ““That a notation be made on the plan as to “open space” being available on Macadamia Lane, referred to as “common area”, for use by all lots in the Chestnut Hill Estates Subdivision.”” Staff is requesting the condition taken on November 26, 2007 be rescinded.

Present at this meeting were both **Mike Gotto** and **Chris Branch** from Sebago Technics, Inc. on behalf of the Randall Road Corporation. Chris Branch gave a brief presentation stating that the above notation included in the action taken on November 26, 2007 cannot occur. According to Ron Bissonnette, each deed to Lot Nos. 1-15 conveys an interest in the common area off Macadamia Lane. Lot Nos. 1-15 are single-family house lots. The undeveloped land on Lots 16 and 17 was designated as open space. This previous approval prohibits any other lot in the subdivision from having access or rights to the common area off of Macadamia Lane. Therefore, the “common area” cannot be used by all lots in this subdivision.

This item was then opened to the public for those in support and those in opposition. There being none, the public portion was then closed and the following motion was made.

**MOTION:** by **Lucy Bisson** that the Planning Board rescind the Planning Board’s November 26, 2007 condition of approval for a subdivision amendment (Revision 1) to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue to split Lot No. 17 into two (2) lots (Lot Nos. 17 and 18), said condition being, ““That a notation be made on the plan as to the “open space” being available on Macadamia Lane, referred to as “common area”, for use by all lots in the Chestnut Hill Estates Subdivision. Second by **Stephen Morgan**.

**VOTED:** 6-0 (Passed).

**Lucy Bisson was a full voting member for the above item only.**

**B. To consider a request for a “de minimis” change as an amendment to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue on Phase A of “The Bluffs” (Lot No. 18). Phase A of “The Bluffs” consists of 22 condominium units of townhouse-style buildings as “attached, single-family structures”. This will include two (2), four- (4-) unit buildings; one (1), six- (6-) unit building; and one (1), eight- (8-) unit building.** David Hediger read his Staff Memorandum dated December 7, 2007. The above request has been submitted by Sebago Technics, Inc. on behalf of the Randall Road Corporation. This item was previously discussed at the Planning Board Meeting held on November 26, 2007 and the motion was made to continue this item to this meeting. At the previous Planning Board Meeting, the Planning Board determined the proposed reconfiguration of the structures on Lot No. 18 was not “de minimis” in nature and that it was to be considered an amendment.

**Both Ron Chartier and Roger Philippon arrived at 5:41 p.m.**

Since that meeting, the applicant has addressed that Lot No. 18 meets the open space requirements of Article XIII, Section 4, the additional requirements of a mixed-single-family residential development pursuant to Article XIII, Section 8, and the applicant has provided an erosion and sedimentation control plan for Lot No. 16, along with a proposed performance guarantee satisfactory to cover the costs of stabilizing the site by a specific date.

The applicant has also addressed all the previous concerns identified in both David Hediger’s and Jan Patterson’s memorandums and Paul Ouellette’s e-mail.

Present at this meeting were both **Mike Gotto** and **Chris Branch** from Sebago Technics, Inc. on behalf of the Randall Road Corporation. Chris Branch made the following presentation to the Board. He stated that a note has been placed on the legend in regards to the proposed trail. Correspondence dated December 7, 2007 was provided to David Hediger outlining issues. It was stated that the plan needs to show an area designated for storage. Chris Branch responded that it is labeled on the plan as, “safe storage area”. Chris Branch stated that 15,400 SF is needed for open space (This was calculated at 700 feet per unit x 22 units). He commented that the open space in Phase A has no steep slopes or wetlands. There is 47,759 square feet of open space available in Phase A, with the total area of Phase A being 91,812 square feet. 11,000 square feet of recreational area is required. They looked at this with a minimum of 50 percent being suitable to “run around”. In their calculations 5,500 square feet is dedicated for Phase A with 10,750 square feet available for future phases. Chris Branch continued his presentation by stating that a trail goes through the development to Almond Avenue. Again, this is shown on both the Site & Landscaping Plan for Phase A and Phase A Grading, Utility & Erosion Control Plan. A sidewalk has been added. An erosion control narrative has been provided for Lot No. 16.

An agreement with Staff needs to be reached as to the performance guarantee amount.

This item was then opened to the public for those in support and those in opposition.

**Harry Milliken**, 6 Judith Street, asked if there are any provisions to delineate open space for other lots in this development? Chris Branch responded that there is no plan to do this. It was stated that there is a need to provide 25 percent of the lot for open space and there is a density requirement. Harry Milliken stated that other lots should be opened up to new requirements. It is up to Staff to make this determination. He said that the interpretation of the ordinance is changing.

Lucy Bisson asked if all the “open space” requirements have been addressed. David Hediger responded that there are the same amount of units as approved in 1988, just a different layout of the plan. The current units are not selling, that is why the developer has downsized. Elevations of the units were submitted at the 11/26/07 Planning Board Meeting. Chris Branch stated that there is a possibility that these homes could be stick built vs. modular. Storage space is available under stairwells, etc.

**Bob Daigle**, 11 Macadamia Lane, asked for clarification if any of the units will have garages at this time. The response was, “They do not have to have a garage”. Chris Branch stated that the intent is for garages in Phase III. These garages could be 11’ x 20’ or 11’ x 24’ in dimension.

**Ray Lagueur**, 7 Macadamia Lane, questioned the open gravel area. Chris Branch commented that this is an area designated for the storage of RVs, ATVs, boats, snowmobiles, etc. and is 24 foot wide and 50 feet long. Chris Branch stated that they are requesting a waiver for this code requirement, since the condominium deed restrictions and covenants prohibit the storage of these items on site.

It was stated that the values of the home may improve with new development.

Chris Branch commented that there will be a 30 buffer in the front. They are trying to get more buffering in other portions of the development and to maintain as much as they can.

Chris Branch stated that they are also trying to get together with John Elie from the Public Works Department to discuss drainage concerns voiced about Randall Road. Lot No. 18 is specifically having “open space” called out as per the deeds. Ron Chartier asked if Lot No. 17 met the “open space” requirement? David Hediger stated that the amended Lot No. 17 appears to meet all “open space” requirements other than having a specific area designated as recreation area. It is up to the board to have this area designated. Chris Branch stated that the deeds and financing are already in place for Lot No. 17 and does not see the need to amend Lot No. 17. In closing, Chris Branch stated that Lot No. 17 meets all the square footage requirements and that Lot No. 18 meets the criteria. The board determined that the previously approved “open space” provided on Lot Nos. 16, 17, and the single-family subdivision portion of the development meets the codes requirements for purposes of a mixed, residential development.

The public portion was then closed and this item was brought back to the Planning Board.

The following motion was made.

**MOTION:** *by Ron Chartier, that the Planning Board determines the application submitted by Sebago Technics, Inc. on behalf of the Randall Road Corporation for an amendment to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue on Phase A of “The Bluffs” (Lot No. 18) to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4, 5, and 8 of the Zoning and Land Use Code; and grants approval to the Randall Road Corporation, subject to the following concerns and conditions raised by Staff:*

1. *That a waiver be granted for the outside storage area for recreational vehicles on Lot No. 18, based upon the condominium deed restrictions and covenants which prohibit the storage of those items on site.*
2. *That a performance guarantee be provided to staff’s satisfaction to cover the costs of stabilizing Lot No. 16.*
3. *That the following note be added to the plan, “Prior to issuing any certificates of occupancy for any of the units or structures in Phase A of the development, a performance guarantee in an amount satisfactory to the City must be provided to cover the costs of the remaining site improvements, including, but not limited to the necessary erosion and sedimentation control measures, final grading, loam and seeding, landscaping, pavement, etc. associated with Lot No. 18. This guarantee must also include the cost of constructing the trail and final grading and stabilization the recreation field area associated with Phase A.”*
4. *That a note be added to the plan indicating that areas designated for recreational use may not be changed without Planning Board approval.*
5. *That the proposed trail delineated on the site plan be labeled, along with a description of the width and type of base the trail shall consist of.*
6. *That the note on Sheet 1 referencing the “de minimis” change section of the ordinance be removed and replaced with a note indicating the purpose of this plan is to amend the building layout and configuration on Lot No. 18.*
7. *That a note be added to the plan indicating a revised site plan will be submitted showing final grading contours of the recreation area prior to any certificates of occupancy being issued for development in Phase A.*

*Second by Roger Philippon.*

**VOTED:** 6-0-1(Passed – Horn Abstained).

**V. WORKSHOP:**

**A. A discussion on cluster subdivision and open space requirements.** Bob Faunce, Land Use Consultant, was present on behalf of this item. Some language has been proposed by Bob Faunce

and was included in the Planning Board packets dated November 30, 2007. This item was brought to this Board at the request of Harry Milliken. Also present, for additional input, was Mike Gotto of Sebago Technics, Inc. Some clarifications may need to be made to this document. This document is to be used as a model on how the City may improve open space/cluster provisions.

There was a brief discussion on the definition of single-family attached and multi-family units. Harry Milliken mentioned he would like to see the definition clarified, along with the percentages allowed in districts like the LDR. Harry Milliken stated that there are no restrictions on the size of a home. David Hediger commented that it is listed in the code. Bob Faunce commented that it has to be single-floor condominiums for the elderly.

Bob Faunce commented that at the last workshop held, he had skimmed over open space subdivisions, however, there is always room for adjustments. Open space subdivisions need to provide incentives. There are two (2) types of open space subdivisions: 1. Standard Open Space Subdivisions – reduces lot sizes, frontage and setback requirements and 2. Conservation Density Subdivisions – the creation of significantly lower lot densities than what would be allowed in the applicable land use district.

Bob Faunce showed examples of open space subdivision projects and presented these to the Board.

One of his first examples was on Sebago Lake. There were eight (8) lots in Raymond. This was called, “Raymond Cape”. Bob Faunce gave some possibilities. This subdivision went from eight (8) lots to six (6) lots.

Gil Arsenault stated that most communities do not want public roads.

Bob Faunce suggested roads need to be made narrower, which is a lesser expense to the developer. In Lewiston, as to the width of a road, the standard is waived with a required sprinkler system. The City Council adopts the standards. Gil Arsenault commented that with the 101 Safety Codes (NFPA), if enforced fully, it would shut down a lot of subdivisions. Lewiston has the 2003 edition of the International Building Code. Lewiston has also recently adopted new road standards.

Bob Faunce referenced another project in Raymond. This project is about 80 acres. The issues included: Stormwater, road length, and no waivers. A lot of the open space was wetland area, subject to a permanent deed restriction as to open space. The open space is managed by a timber harvester. In this situation, all the issues were ironed out before subdivision approval.

Mike Gotto stated that open space is dedicated open space and can never be eliminated, however, it can be amended.

Gil Arsenault commented that this is the kind of development he would like to see. Cluster developments in Lewiston need to have a minimum of five (5) acres.

Bob Faunce referred another cluster development consisting of a 75-acre parcel. There was no access to the open space. This was supposed to be a family subdivision. The plan was awarded so the road has access to the open space.

David Hediger mentioned that Lewiston used to meet with the developer, then there was a pre-application process, and then it went to the Planning Board. This process takes longer. The process today for Lewiston, is to meet with the developer, conduct a neighborhood meeting with the abutting property owners, and then have a Planning Board Meeting. You have a lot more negotiation. Mike Gotto stated that in small towns, i.e. Turner, Maine, the process does take three (3) meetings. The larger towns, i.e. Lewiston, takes one (1) Planning Board Meeting.

Bob Faunce then showed another example with only one (1) point of access. This was a 125-acre parcel with no frontage. There were 54 curb cuts. Amended, this was an open space subdivision, the final plan ended up with 19 curb cuts. The stormwater system is controlled by an association. Harry Milliken said that the biggest concern is what has to be maintained by the association. This could be a burden to homeowners. The DEP never thought out how to administer it. David Hediger commented that the open space provisions are an incentive over what currently exists. Bob Faunce stated that the reduction of road is the biggest incentive. Gil Arsenault said that he would like to see open space requirements for all subdivisions. In closing, Bob Faunce said that at the next meeting we will review

actual provisions. Harry Milliken said that Planning Board's have the right to refuse approval of developments.

**B. A discussion on urban design standards.** No update. This item will need to be rescheduled.

**VI. OTHER BUSINESS:**

**A. A discussion on the Planning Board schedule for 2008.** At David Hediger's request, the Planning Board will now meet, beginning in January 2008 on the second and fourth Wednesdays of each month. This schedule could revert back to its original second and fourth Monday of each month after May 2008.

**B. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. Awarding of Plaque to Outgoing Planning Board Member John Racine.** David Hediger presented John Racine with a plaque commending him on his service for the past five (5) years as Planning Board Member and Vice Chair for the past two years, and most recently, for filling in Chairman. His term expires January 2008.

**VII. OLD BUSINESS:**

**A. Lewiston-Auburn Consolidation.** No update.

**B. A proposed amendment to adopt a Wireless Communications Facilities ordinance.** No update.

**C. Park Street Moratorium on Drinking Establishments.** No update.

**VIII. READING OF THE MINUTES: Draft Meeting Minutes for Planning Board Public Meeting/Workshop held on October 15, 2007 and Planning Board Meeting held on November 26, 2007.** The following changes were made, by Lucy Bisson, to the Draft Planning Board Public Meeting/Workshop Minutes held on October 15, 2007: On Page No. 2, first full paragraph, line 10, correct the spelling of "houseaminimums" and line 11, "houseamimums", to read, "houseaminiums".

The following changes were made, by Lucy Bisson to the Draft Planning Board Meeting Minutes held on November 26, 2007: On Page No. 1, Item III. Correspondence, line 4, place a space after C. and before Fournier, on Page No. 2, paragraph 8, line 7, delete the second word, "that", and replace it with the word, "which", and on Page No. four, paragraph 5, line 4, place a space after the word, "No." and delete a space between numbers, "1 and 7".

The following motion was made.

**MOTION:** by **Roger Philippon** that the Planning Board approves the Planning Board Public Meeting/Workshop Minutes for October 15, 2007 and Planning Board Meeting for November 26, 2007, as amended. Second by **Denis Fortier**.

**VOTED:** 6-0 (Passed).

**IX. ADJOURNMENT:** This public meeting/workshop adjourned at 8:00 p.m. No action was taken.

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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